

MINUTES

RANDOLPH COUNTY PLANNING BOARD

March 14, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, March 14, 2006, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, present; Maxton McDowell, absent; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; Reid Pell, present; Wayne Joyce, Alternate, absent; and Danny Shaw, Alternate, present (substituting for regular member McDowell). **County Attorney Alan Pugh** was present for this meeting.
3. **Brown** made the motion, seconded by **Rains**, to approve the Minutes of the February 7, 2006 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **IAI PROPERTIES**, Sophia, North Carolina, is requesting that 30.41 acres located on Branson Davis Road, New Market Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Randleman Lake Watershed. Tax ID# 7746417560. The proposed Conditional Zoning District would specifically allow the development of a 14-lot residential subdivision for site-built homes with a minimum house size of 1,400 sq. ft.
 - **Neighborhood Information Meeting Summary**

Neither the developer nor the surveyor attended this meeting. There was only one person present from the community who expressed concern that the speed limit on Branson Davis Road should be reduced in the area where Kersey Acres is located.
 - **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is not in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be denied because the extension of the Future I-74 will take in the area

to be used for off-site septic systems, thus making the entire subdivision uninhabitable.

Policies within the Growth Management Plan supporting this recommendation:

Policy 6.2 Major subdivision development which does not have access to either central water or sewage facilities should locate in areas where soil and geological characteristics are conducive to the long-term support of on-site systems such as wells and septic tanks.

Policy 8.1 Coordinated intergovernmental planning for land use, transportation, water and sewer, tourism promotion, scenic preservation and economic development should be encouraged.

Policy 8.10 The County should support local and regional efforts in promoting the development of transportation systems which provide transportation choices, enhance mobility, encourage economic development, and protect the manmade and natural environments of the county and region.

Johnson said the proposed subdivision plan would use a substantial number of off-site sewer easements. Johnson said in January the Planning Board heard this request, but no one was present for the meeting to represent the applicant. Johnson said during that meeting it was noted that the proposed cul-de-sac was found to be in the creek and would not meet County development standards. Johnson said the Board recommended to the Commissioners that the request be denied. Johnson said that at the Commissioners meeting the applicant provided a revised plan that showed the cul-de-sac out of the creek. During the Commissioners meeting concerns were expressed that the proposed sewer easements might be located in the path of the proposed new highway extension. Johnson said the Commissioners asked the Planning Staff to research how the proposed highway would affect the property and referred the request back to the Planning Board to discuss this issue. Johnson said the Planning Staff received the information of where the road is being proposed and it does appear that some of these sewer easements would be in the path of the new highway. Johnson said that we do not know when the road will be constructed and we are unsure of exactly how many of the sewer easements would be affected by the new highway.

Lester Davis, IAI Properties, Hwy 311, said that they don't plan to build the houses, but they purchased the property with the intent to develop. Davis said that they were not contacted by D.O.T. concerning the proposed highway, but they contacted D.O.T. Davis said they were told by the State that in order for the State to compensate or purchase the lots from IAI, the development would have to be approved by the County. Davis said they probably will come back in the future with another proposal once the State determines how much property they plan to condemn. Davis said they had already started this development before the State had their first public meeting. Davis said they have been advised by their

attorney that the State could be required to purchase the homes if the homes were built, but they are not planning to build the homes. Davis said he was advised by his soil scientist, Heath Ward, that the highway project could affect as many as 6 or 7 lots. Davis said the State would purchase the lots and then sell the raw land back the them.

Pugh advised the Board that he felt if the subdivision was platted before the State took the land, the State would have to consider the damages to the adjoining lots and not just the land they would be taking. Pugh commended Davis for being so candid with the Board.

Ridge said the land was purchased with the intent of developing the property prior to knowing where the road was going to be constructed. **Craven** asked Davis when he purchased the property and **Davis** answered that he was unsure. **Ridge** said that the information provided by the Planning Staff states it was purchased in 1998. **Pugh** said that Davis has been very candid in saying that he does not plan to construct the homes.

There was no one present in opposition to this request.

Pugh said that the applicants are asking the Board to help the property owner in configuring the land to make it more valuable in the condemnation process. Pugh said the Board would have no liability if the request is approved. Pugh said that the Board is obligated to review the request as a land development decision. Pugh said that the developer has stated his intent to not build the development as it is being proposed tonight. Pugh said that the developer further stated that he would come back at a later time after the State has determined the amount of land that will be taken, with a new development plan. **Rains** said that the time line of when the property was purchased, when the subdivision plan was approved, and when the land is condemned, will be determined at that time. **Pugh** advised the Board of their right to consider the reason for this request, but there is no legal mandate to not approve the development because of the corridor plan. **Johnson** agreed with Pugh and said that the State has not protected the proposed corridor at this time. Johnson said the Board can consider if the development would be consistent with existing development. **Pugh** said that the Board has a legal standing on either decision, to approve or deny.

Brown made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be **approved**. The motion passed by a vote of 6 to 1, with Rains voting against the motion. The Board found the request to be consistent with the Growth Management Plan.

- B. **DAVID COCKMAN**, Liberty, North Carolina, is requesting that 3 acres located on the corner of Old Hwy 421 Road/Bulb Road, Liberty Township, be rezoned from RA to HC-CD. Primary Growth Area. Tax ID# 8708748290. The proposed Conditional Zoning District would specifically allow the construction of

a mini-warehouse facility with approximately 225 storage units as per site plan.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The majority of the Technical Review Committee recommended to the County Planning Board that this request be approved. The Committee noted the property is located in a Primary Growth Area that envisions higher residential and commercial development. However, concerns were expressed by the Committee that this high intense commercial development would not be compatible with the existing residential development in the area.

Johnson explained that the Board considered this request a couple of months ago and postponed the request to allow more time for a more detailed site plan.

Randle Brim, Planning Staff, provided a brief summary of the site plans presented.

Cockman was present and provided pictures of a site that is similar to the facility he would like to construct. **Craven** said that the site plan appears to have answered the concerns expressed at the last meeting. **Cockman** said that he would not have any outside storage, and the lighting would be located under the building eaves approximately 75 ft. apart.

Tim Morris, 7157 Bobby Jean Road, said that they oppose having a storage facility in this area. Morris said he and his neighbors have discussed their opposition to the property being used in this manner. Morris said they don't want this type of development in their residential area. Morris said they don't feel the community needs a storage facility. **Pell** asked Morris how far his residence is from this location. **Morris** answered that it is approximately a mile as the crow flies. Morris said his residence is located in Guilford County.

There were two people present in opposition to this request.

Brown made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- C. **SHARPE LEASING, INC.**, Greensboro, North Carolina, is requesting that the existing Highway Commercial/Conditional Zoning located at 5909 Harold Meadow Road, Providence Township, be amended to replace the existing conditions to allow the existing facilities to be used for a grading and paving business as per site plan. Secondary Growth Area. Sandy Creek Watershed. Tax ID# 8708138602. The existing Conditional Zoning allows the existing facilities to be used for a diesel repair business and propane gas sales and distribution.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this request was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved. The Committee felt the property should maintain the existing tree buffering along the western property line.

Policies within the Growth Management Plan supporting this recommendation:

Policy 4.4 *Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.*

Policy 4.5 *Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.*

Ivan Clayton, Vice President, Sharpe Brothers Leasing, said they purchased the property to relocate their paving and grading business. Clayton said they didn't know about the Conditional Zoning when they purchased the property. Clayton said they have no more than five people working in the office, and the majority of their employees work off-site. Clayton said the normal operating hours are 7 am to 5 pm, five days a week. Clayton said sometimes they work on Saturdays. Clayton said they operate the majority of their business off-site. Clayton said they will maintain the natural buffer that exists on the western property line and requested this condition be added to their request. Clayton said the only outside storage would be equipment. Clayton said that this business would be less intense than the existing conditions on the property. Clayton explained that the proposed fuel tank would only be used to fill their trucks.

George Muller, 5972 Earl Trail, said that he would like to know if there would be any additional buffer to protect their residence from the noise. Morris asked if they would be permitted to store dirt on the property and **Johnson** answered no.

Ridge said he felt the request for additional buffer is a reasonable request. Ridge said he thought the Planning staff should work with the applicants to determine an appropriate buffer.

Clayton said he would be willing to plant a buffer that would fill in the buffer. **Pugh** asked Clayton if he would agree to adding this to his Conditions, and **Clayton** answered yes.

McLeod made the motion, seconded by **Pell**, to recommend to the Commissioners that this request be approved with the condition that the Planning

staff work with the applicant on an appropriate buffer along the western property line. The motion passed unanimously.

- D. **DIAMOND QUALITY AUTOMOBILES, INC.**, Archdale, North Carolina, is requesting that 0.73 acre located on the corner of Bethel Drive Extension/Old Thomasville Road, Trinity Township, be rezoned from RA to HC. Primary Growth Area. Tax ID# 6798197117. It is the desire of the applicant to use the property for commercial purposes.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this request was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved.

Policies within the Growth Management Plan supporting this recommendation:

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.4 Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Mel Foster, owner of Diamond Quality Automobiles, was present and said that he would like to put an off-premise sign on the property for 84 Lumber Company. Foster said that he currently uses the property for storage of automobiles.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- E. **JULIA HARLEY**, Asheboro, North Carolina, is requesting that 0.60 acre located at 3154 Rainbow Loop, in Rainbow Park Subdivision, lots 180-183, Cedar Grove Township, be rezoned from RR to RA. Primary Growth Area. Tax ID# 7657755956. It is the desire of the applicant to use the property for residential purposes.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this request was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved.

Policy within the Growth Management Plan supporting this recommendation:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.

Elmer Harley said the mobile home that was recently moved was on the property since the 1970's. Harley said they had the mobile home moved off because of problems with a tenant. Harley said they didn't realize the zoning would not allow them to place another single-wide mobile home on the property. Harley said he has put over \$3,000 in a new septic tank system before they were told that they could not place a new mobile home on the property.

There was no one present in opposition to this request.

McLeod made the motion, seconded by Brown, to recommend to the Commissioners that the request be approved. The motion passed unanimously.

Pugh introduced Board member Danny Shaw's son, Jonathan, who is in law school, to the Board and asked the Board to permit him to allow Jonathan to take his place for this last request.

- F. **DAVID HEGE**, Franklinville, North Carolina, is requesting that 1.66 acres located on Old Brower Mill Road, Franklinville Township, be rezoned from RR to RA. Rural Growth Area. Tax ID# 7794487150. It is the desire of the applicant to use the property for residential purposes.

• **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this request was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved.

Policy within the Growth Management Plan supporting this recommendation:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged

by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.

Yvonne Hege was present and said they would like to permit a family member to place a mobile home on the property in the future. Hege said there was a mobile home on the property in the past.

There was no one present in opposition to this request.

Rains made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

6. The meeting adjourned at 8:00 p.m. There were 22 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary